

1

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

**The Minutes**

**November 22, 2004**

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Hull, Associate Justice; Butz, Associate Justice; and Guzman, bailiff.

**C045534 REIGELSPERGER et al. v. SILLER**

Cause called. Rick A. Cigel argued for appellant. Roland Iverson, Jr. argued for respondents. Cause submitted.

At 9:58 a.m., the court recessed. At 9:59 a.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Nicholson, Associate Justice.

**C046247 THE POCKET PROTECTORS v. CITY OF SACRAMENTO et al. and REGIS HOMES OF NORTHERN CALIFORNIA, INC. et al.**

Cause called. Susan Brandt-Hawley argued for appellant. Tina A. Thomas argued and Sabrina V. Teller appeared only for real parties in interest. Joseph P. Cerullo argued for respondents. Cause submitted.

At 10:52 a.m., the court recessed. At 10:57 a.m., the court reconvened with Davis, Associate Justice; Raye, Associate Justice; and Morrison, Associate Justice.

**C044653 VINEYARD AREA CITIZENS FOR RESPONSIBLE GROWTH, INC., et al. v. CITY OF RANCHO CORDOVA and SUNRISE DOUGLAS PROPERTY OWNERS ASSOCIATION, et al.**

Cause called. Stephen C. Volker argued for appellants. James G. Moose argued and Sabrina V. Teller appeared only for respondents. Cause submitted.

At 11:30 a.m., the court recessed until 9:30 a.m., Monday, December 13, 2004.

**C044702 THE PEOPLE v. ACCREDITED SURETY AND CASUALTY COMPANY  
(Not for Publication)**

The orders and judgment are affirmed. The People are awarded costs on appeal.

HULL, J.  
We Concur: Davis, Acting P.J.  
Butz, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

2

**The Minutes**

**November 22, 2004, continued**

**C043351      In re STEPHEN G.; THE PEOPLE v. STEPHEN G.      (Not for Publication)**

The judgment is affirmed.

SIMS, J.

We Concur:    Scotland, P.J.

Davis, J.

**C044283      THE PEOPLE v. SHUPE      (Not for Publication)**

THE COURT:

It is ordered that the opinion filed herein on October 28, 2004, be modified...

There is no change in the judgment.

Appellant's petition for rehearing is denied.

BY THE COURT:

DAVIS, Acting P.J.

RAYE, J.

MORRISON, J.

**November 23, 2004**

**C045294      THE PEOPLE v. MORRIS      (Not for Publication)**

The judgment is affirmed.

ROBIE, J.

We Concur:    Sims, Acting P.J.

Raye, J.

**C046566      THE PEOPLE v. CARTER      (Not for Publication)**

The judgment is affirmed.

ROBIE, J.

We Concur:    Davis, Acting P.J.

Butz, J.

**C043343      HENRIOD v. HUNSAKER SAFETY & SIGN, INC.      (Not for Publication)**

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur:    Davis, J.

Butz, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

3

**The Minutes**

**November 23, 2004, continued**

- C045241      CITIZENS FOR A HEALTHY RURAL ENVIRONMENT et al. v. LASSEN COUNTY et al. and WOSICK et al.                      (Not for Publication)**  
The judgment/order awarding attorneys' fees is reversed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rules 27(a)(4).)  
SIMS, Acting P.J.  
We Concur:    Nicholson, J.  
                 Robie, J.
- C045456      In re J.M.; BUTTE COUNTY CHILDREN'S SERVICES DIVISION v. PEGGY M.                      (Not for Publication)**  
The order denying appellant visitation is affirmed.  
The order denying appellant's petition for modification is reversed and the matter is remanded to further hearing in compliance with the ICWA. If, after proper inquiry, the juvenile court determines that all potentially applicable tribes or the BIA were properly noticed (with all known, relevant information) and there either was no response or the tribes or the BIA determined J.M. is not an Indian child, the order shall be reinstated. If notice was not given, the juvenile court shall order Butte CSD to comply promptly with the notice provisions of the ICWA. Thereafter, if there is no response or if the tribes or the BIA determines J.M. is not an Indian child, the order shall be reinstated. However, if a tribe or the BIA determines the minor is an Indian child or if information is presented to the juvenile court that affirmatively indicates the minor is an Indian child as defined by the ICWA and the court determines ICWA applies to this case, the juvenile court is ordered to conduct a new hearing on appellant's petition for modification in conformance with all provisions of the ICWA. In any event, the juvenile court shall compile and maintain an adequate record for review of all pertinent steps to comply on remand with ICWA.  
NICHOLSON, Acting P.J.  
We Concur:    Morrison, J.  
                 Hull, J.
- C047257      GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT v. THE SUPERIOR COURT OF SAN JOAQUIN COUNTY and R&B PROTECTIVE COATINGS, INC.                      (Not for Publication)**  
Let a peremptory writ of mandate issue directing the respondent superior court to vacate its order denying Golden Gate's motion to transfer the cause pursuant to section 394 (a) and to enter a new order granting that motion. Golden Gate shall recover costs.  
RAYE, Acting P.J.  
We Concur:    Robie, J.  
                 Butz, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

4

**The Minutes**

**November 23, 2004, continued**

**C045245      In re JOHN T.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. MONIQUE T.                      (Not for Publication)**

The appeal of the court's ruling on the in limine motion is dismissed as premature.

Let a peremptory writ of mandate issue directing the Juvenile Department of the Superior Court to determine whether Sacramento County Department of Health and Human Services has complied with the notice provisions of the Indian Child Welfare Act in the event it has not already done so.

SIMS, Acting P.J.

We Concur:    Raye, J.  
                     Butz, J.

**C045180      In re S.B.; THE PEOPLE v. S.B.                      (Not for Publication)**

BY THE COURT:

It is ordered that the opinion filed herein on November 3, 2004, be modified...

This modification does not change the judgment.

The petition for rehearing is denied.

THE COURT:

SIMS, Acting P.J.

NICHOLSON, J.

ROBIE, J.

**November 24, 2004**

**C045098      THE PEOPLE v. JONES, JR.                      (Not for Publication)**

The judgment is affirmed.

ROBIE, J.

We Concur:    Sims, Acting P.J.  
                     Nicholson, J.

**C045183      THE PEOPLE v. YANG                      (Not for Publication)**

The order granting probation is reversed and the case is remanded to the trial court with instructions to grant defendant's new trial motion.

ROBIE, J.

We Concur:    Scotland, P.J.  
                     Blease, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

5

**The Minutes**

**November 24, 2004, continued**

**C045256      THE PEOPLE v. MCINTOSH      (Not for Publication)**

The matter is remanded for a proper calculation of the conduct credits earned. In all other respects, the judgment is affirmed.

RAYE, J.

We Concur:    Blease, Acting P.J.  
                  Morrison, J.

**C046959      In re EVAUGHNTE E. et al.; SACRAMENTO COUNTY DEPARTMENT OF  
HEALTH AND HUMAN SERVICES v. STACEY R.**

**(Not for Publication)**

The juvenile court's orders denying appellant's section 388 petitions for modification are affirmed.

SCOTLAND, P.J.

We Concur:    Morrison, J.  
                  Butz, J.

**November 25, 2004**

**There were no minutes for this date.**

**November 26, 2004**

**There were no minutes for this date.**